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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,965

10/02/2003

Jonathan Oliver

PA3629US

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22830 7590 09/17/2008  
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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,965	<b>Applicant(s)</b> OLIVER ET AL.	
	<b>Examiner</b> Christopher A. Revak	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 26 is/are allowed.
- 6) ☒ Claim(s) 15-24, 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendments to claims 26 and 28 have overcome the rejection under 35 USC 101.
2. Applicant's arguments filed with respect to claims 1-14 and 26 have been fully considered and are persuasive. The claims are allowable over the prior art of record.
3. Applicant's arguments with respect to claims 15-24 and 27 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Touboul, U.S. Patent 6,092,194.

As per claim 15, it is disclosed of a method for classifying a message, comprising identifying a plurality of fraud indicators in the message; applying a statistical analysis on the plurality of fraud indicators; and determining whether the message is a fraudulent message based on the analysis; and processing, the message based on the

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determination of whether the message is a fraudulent message (col. 6, line 38 through col. 7, line 6).

As per claim 16, it is taught wherein identifying the plurality of fraud indicators includes identifying a raw Internet Protocol (IP) address (col. 2, lines 28-37; col. 5, line 54 through col. 6, line 3; and col. 6, lines 38-45).

As per claim 17, it is disclosed wherein identifying the plurality of fraud indicators includes identifying non-standard encoding in the message (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 18, it is taught wherein identifying the plurality of fraud indicators includes identifying a link with an embedded user name (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 19, it is disclosed wherein identifying the plurality of fraud indicators includes identifying a misleading link (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 20, it is taught wherein identifying the plurality of fraud indicators includes identifying a mismatched link name (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 21, it is disclosed wherein identifying the plurality of fraud indicators includes identifying a form in the message (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 22, it is taught wherein identifying the plurality of fraud indicators includes identifying a form in the message that requests special information (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 23, it is disclosed wherein identifying the plurality of fraud indicators includes identifying suspect content in the message (col. 2, lines 28-37 and col. 5, line 54 through col. 6, line 3).

As per claim 24, it is taught wherein applying a statistical analysis on the plurality of fraud indicators includes obtaining a score based on the fraud indicators (col. 6, line 38 through col. 7, line 6).

As per claim 28, it is disclosed of a computer readable storage medium having embodied thereon a program, the program being executable by processor to perform a method for classifying a message, the method comprising identifying a plurality of fraud indicators in the message; applying a statistical analysis on the plurality of fraud indicators; and determining whether the message is a fraudulent message based on the analysis; and processing the message based on the determination of whether the message is fraudulent message (col. 6, line 38 through col. 7, line 6).

***Allowable Subject Matter***

6. Claims 1-14 and 26 are allowed.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher A. Revak/  
Primary Examiner, Art Unit 2131